

FEB 02 2006

PTO/SB/61 (10-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Marilyn Smith Dawkins
Signature

Marilyn Smith Dawkins

Typed or printed name

International Business Machines Corporation

Address

IP Law Dept., 11400 Burnet Road, Austin, Texas 78758

Address

February 2, 2006
Date

31,140

Registration Number, if applicable

512-823-0094

Telephone Number

Enclosure ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

02/02/2006
Date

Patsy Spears
Signature

Typed or printed name of person signing certificate

PTO/SE/81 (10-05)

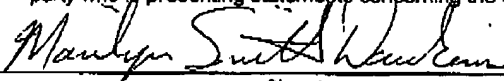
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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

February 2, 2006

Date

Marilyn Smith Dawkins

31,140

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

In the Final Office Action dated 06/17/2005, the examiner allowed claims 8-18 and objected to claims 2-6 as being dependent upon a rejected base claim.

However, in this rejection, the examiner also objected to claim 1 stating that "Claim 1 contains the phrase 'target directory with cache file...' when it should be 'target directory with a cache file.'" It became obvious to Applicants' attorney that the examiner had misinterpreted the claims since there is no mention of a cache in any of the claims. The examiner misread the word "each" for "cache". Since such a misinterpretation could also affect the interpretation of the other claims and application of the art thereto, Applicants' attorney called the examiner on 08/17/05 to point out the examiner's error and that a new Examiner's Action should be sent. Because, the examiner had based his final rejection on an erroneous reading of the claims, during that interview, it was agreed that the examiner would do an examiner's amendment incorporating claim 4 into claim 1. On 10/06/05 Applicants' attorney again talked with the Examiner about the conversation on 08/17/05. The examiner requested an email to that effect, so an email was sent on 10/10/2005, stating that the examiner's amendment should cancel claims 4, 7, 19-21 and amend claim 1 with claim 4 as shown. On 10/12/05, the examiner stated in an email that he had received the information and would act on it either that day or the next. Although that never happened, it was Applicants' belief that it would.

(Please attach additional sheets if additional space is needed.)

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